

Miami Dade County

Stephen P. Clark Government Center
111 N.W. 1st Street
Miami, Fl. 33128



LEGISLATIVE ANALYSIS

Tuesday, May 18, 2004
9:30 am
Commission Chambers

Board of County Commissioners

Government Operations and **Environment** **Committee**

May 18, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ERD REPORT DISCUSSING AN ANALYSIS ON THE HIRING PROCESS / RECRUITMENT CYCLE OF A COUNTY EMPLOYEE

Employee Relations Department

I. SUMMARY

At the February 10, 2004 Governmental Operations and Environment Committee Commissioner Jose "Pepe" Diaz requested a comprehensive report describing the County's recruitment process. At the same meeting Chairperson Natacha Seijas requested staff prepare a study relating to temporary employees as to why these employees had not been hired permanently. This report address the issues raised by Commissioner Diaz not the issues raised by the Chairperson.

II. PRESENT SITUATION

It should be noted that the hiring freeze in FY 2002-2003 and its subsequent removal negatively impacted the numbers in this report! The average days in the recruitment process for Eligible List Recruitment was 94 days. The average days in the recruitment process for Resume Recruitment was 95 days. The average days in the recruitment process for Competitive Examination Recruitment (Promotional) varied by department from was 50 days to 183 days. The average days in the recruitment process for Competitive Examination Recruitment (Open Competitive) varied by department from was 246 days to 338 days. The report also addresses the issues of temporary contractual personnel.

III. POLICY CHANGE AND IMPLICATION

In FY 2002-2003 the County contracted 1160 contractual personnel of which 233 were hired as County Employees. Administration Order 7-35 allows for Contract Employees who have served for more that six months be eligible for County-Only positions and approval from ERD & OSMB if the contractual appointment exceeds six (6) months.

IV. ECONOMIC IMPACT

This report has no economic impact to the County. However, as a result of delays in the hiring process the use of overtime, temporary employees, or a backlog work is generated causing an incalculable impact to the County and its tax-paying citizens.

V. COMMENTS AND QUESTIONS

- Even excluding the 125 out of 338 days in the Aviation Department's Process impacted by the hiring freeze the process still takes over 200 days.
- This report does not address the issues of contractual employees being on assignment for extended periods of time.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION RATIFYING AN AMENDMENT GRANTING AN EXTENSION OF TIME TO AGREEMENT NO. C-8838 WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT

I. SUMMARY

This resolution ratifies Amendment No. 2 granting a one year extension of time to a Memorandum of Agreement (MOA) between Miami-Dade County and the South Florida Water Management District (District) regarding Surface Water Improvement and Management (SWIM).

II. PRESENT SITUATION

On October 7, 1997, the County ratified the County Manager's action in executing a MOA between Miami-Dade County and the District. The Florida Legislature had appropriated \$2 million to Miami Dade County for implementing the recommendations of the SWIM plan. State law authorized the disbursement of SWIM funds from the Florida Department of Environmental Protection (DEP) to the District and since there was no existing provision in state law allowing for direct disbursements from DEP to local governments the MOA was needed.

III. POLICY CHANGE AND IMPLICATION

This resolution will extend the time needed to expend all funds associated with this MOA to February 28, 2005. DERM has completed six out of the seven SWIM project recommendations in this MOA. The one project not yet completed is the Arch Creek Estates Basin Retrofit.

IV. ECONOMIC IMPACT

There are no additional costs associated with this item.

V. COMMENTS AND QUESTIONS

At the time of printing, staff had not responded to the following questions:

If this agreement was scheduled to expire in February, why are we seeing this amendment now in May?

What is the reason for the delay in the completion of the Arch Creek Estates Basin Retrofit Project?

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO ADVERTISE A REQUEST FOR PROPOSALS FOR AND ON BEHALF OF MIAMI-DADE COUNTY TO OBTAIN INVESTIGATIVE SERVICES FOR SELECTED WORKERS' COMPENSATION AND TORT LIABILITY CLAIMS, TO EXERCISE ANY CANCELLATION AND RE-ADVERTISEMENT PROVISIONS AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN RFP NO. 425

Procurement Management Department

I. SUMMARY

This authorizes advertisement of *RFP No. 425 Investigative Services for Selected Workers' Compensation & Tort Liability Claims*. Up to two firms will be selected to provide surveillance of selected workers' compensation and tort liability claimants, conduct research and background investigations, and perform a variety of other duties related to providing professional investigative services for these types of claims.

Contract amount estimate:	\$1.5 million for the three year agreement
Funding source:	Internal Service Fund
Contract period:	3 years, with 2 one-year OTR at County's sole discretion
Measures:	Black Business Enterprises (BBE) Selection Factor

Evaluation

Technical criteria:	Proposer's experience, qualifications, capabilities, and past performance in providing this type of service (25 points), experience and qualifications of individuals, including subcontractors (25), and proposer's technical response (15). <i>Maximum possible score (including Selection Factor of 7.5 points) is 72.5 points.</i>
Price:	<i>Maximum possible score (including Selection Factor of 2.5 points) is 27.5 points.</i>

II. PRESENT SITUATION

An estimated 25 percent of the general population knows someone who has committed workers' compensation fraud.¹ To minimize and combat fraud, it is important to investigate workers' compensation and tort liability² claims when warranted.

The current firms providing these services to the County are ICDA Investigations and Chiappone & Associates, Inc., who were awarded the contract based on a similar RFP in 1998. The current contract expires on July 25, 2004.

¹ Minnesota Department of Labor & Industry www.doli.state.mn.us/isu.html

² Any act by a person(s) that results in some type of injury (financial, physical, reputation, etc.) to another.

May 18, 2004

III. POLICY CHANGE AND IMPLICATION

When this RFP was previously issued in 1998, there were no measures applied due to insufficient availability. This contract has a BBE Selection Factor, which allows additional points for BBE firms that meet the Department of Business Development's participation provisions (Appendix A of the RFP).

IV. ECONOMIC IMPACT

The cost estimate is \$1.5 million over a 3 year period (\$500,000 per year). Contract usage was less than \$300,000 the past two years. With changes in internal procedures about how long surveillance will be and more accountability from vendors, GSA Risk Management Division (RMD) expects costs to decrease. However, the additional spending authority is requested to reduce the likelihood of having to come back to the Board for an increase if needed. There is no obligation to spend the entire allocation. In addition, the County makes no guarantee as to the volume of work or value of any contract any selected Proposers receive.

The contract will be paid from the County's Internal Service Revenue Fund, a countywide Trust Fund which funds all costs associated with the RMD and the operations it is responsible for, including all workers' compensation costs, all liability costs, the costs of the benefits programs, as well as the administrative costs of running the division. Every County department pays into the fund.

V. COMMENTS AND QUESTIONS

The current contract has been extended because the new contract is not expected to be in place prior to the original expiration (July 25, 2004).

According to RMD, contract usage from July 26, 1999 to present:

ICDA - \$799,979.71

Chiappone - \$656,834.45

GOE ITEM 2 (P)
MAY 18, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*RESOLUTION APPROVING CHANGE ORDER NO. ONE TO THE CONTRACT
WITH FENCE MASTERS, INC., FOR ANNUAL OPEN GUARDRAIL CONTRACT
NO. 13*

Public Works Department

I. SUMMARY

This item is a retroactive change order between Fence Masters, Inc and Miami-Dade County for the installation of new guardrail or replacement of existing guardrail throughout Miami-Dade County

II. PRESENT SITUATION

At the present time, the completion date was May 20, 2003 and the original cost estimate is \$200,000

III. POLICY CHANGE AND IMPLICATIONS

Change Order No. One would add (4) new pay items to the contract. The request will not increase the original contract amount.

IV. ECONOMIC IMPACT

None.

The funding source was determined to come from the Secondary Gas Tax and Federal Emergency Management Agency (FEMA)

V. COMMENTS AND QUESTIONS

Are the additional items needed to comply with code/regulatory requirements?

Does PWD foresee additional time needed to complete the project?

Also, please explain why these items were not included in the original contract? Were there design errors, unforeseen issues in the field? Please elaborate.

Was the project completed?

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING EXECUTION OF A JOINT PARTICIPATION AGREEMENT WITH THE MIAMI-DADE EXPRESSWAY AUTHORITY TO PARTICIPATE IN FUNDING THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ALONG WEST 137 AVENUE FROM SW 8 STREET TO NW 12 STREET; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE THE PROVISIONS THEREIN

Public Works Department

I. SUMMARY

This item seeks the approval of a Joint Participation Agreement (JPA) between Miami-Dade County and the Miami-Dade Expressway Authority (MDX), to provide funding for the of roadway improvements to be constructed along West 137 Avenue from SW 8 Street to NW 12 Street.

II. PRESENT SITUATION

According to FDOT, there might be a shortfall in project funding. The County's available project funding is \$2,526,409. This includes \$726,409 for design, as well as \$1,800,000 funding allocation from Road impact Fees (RIF).

According to staff, the 1,800,000 is anticipated to be spent on partially funding the right-of-way acquisition and utility relocation. Any CIGP reimbursements the County receives from FDOT will be utilized to compliment the aforementioned remaining \$1,800,000. Any difference between the final costs for the right-of-way and utility relocation over the County's contribution and CIGP will derived from MDX.

Potentially, the costs of the acquisition may be different from the current estimates. Pending settlement will determine the prices.

III. POLICY CHANGE AND IMPLICATIONS

The County will receive complete reimbursements for the County's total costs incurred for right-of-way acquisition and utility relocations for the referenced project up to a maximum of \$5,271,000. The maximum figure was derived as the 35% of the total project cost estimated at \$15,062,000.

GOE ITEM 2 (S)
MAY 18, 2004

IV. ECONOMIC IMPACT

Original Project Cost Estimates

Design	\$537,000
Right-of-way acquisition	\$3,710,000
Utility Relocation	\$1,768,000
Construction	\$12,725,327
Total Coat Estimate	\$18,740,327

Actual Project Costs as of 2/23/04

Design	\$726,409
Right-of-way acquisition	\$1,563,774
Utility Relocation	\$1,768,000
Construction	\$18,506,400
Total Coat Estimate	\$22,564,583

Originally projected non-MDX funding:
Includes full CIGP reimbursement based on a
FDOT Participation of County expenditures per
agreement at 35%. Assumes the currently
committed County contribution of \$1,800,000
For R/W and utility relocation.

Source	Participation
Miami-Dade County	\$2,526,409
Federal Funds	\$4,500,000
CIGP	\$5,271,000
Total Non-MDX Funds	\$12,297,409

Currently projected non-MDX funding:
Includes partial CIGP reimbursement based on a
FDOT Participation of County expenditures per
agreement at 35%. Assumes the currently
committed County contribution of \$1,800,000
For R/W and utility relocation.

Source	Participation
Miami-Dade County	\$2,526,409
Federal Funds	\$4,500,000
CIGP	\$1,917,300
Total Non-MDX Funds	\$8,943,709

GOE ITEM 2 (S)
MAY 18, 2004

V. COMMENTS AND QUESTIONS

How much will the county elect to procure from district 12?

What is the current total available (RIF) in district 12?

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE RELATING TO ZONING; ESTABLISHING PURPOSE, DEFINITIONS, REVIEW PROCESS AND STANDARDS FOR APPROVAL OF PUBLIC CHARTER SCHOOL FACILITIES; CREATING ARTICLE XI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING SECTIONS 33-303.1, 33-311 AND 33-314 TO PROVIDE FOR CHARTER SCHOOL FACILITY APPROVALS BY BOARD OF COUNTY COMMISSIONERS AFTER RECOMMENDATION BY DEVELOPMENTAL IMPACT COMMITTEE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ORDINANCE RELATING TO ZONING; ESTABLISHING PURPOSE, DEFINITIONS, REVIEW PROCESS AND STANDARDS FOR APPROVAL OF PUBLIC CHARTER SCHOOL FACILITIES; CREATING ARTICLE XI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING SECTIONS 33-303.1, 33-311 AND 33-314 TO PROVIDE FOR CHARTER SCHOOL FACILITY APPROVAL BY BOARD OF COUNTY COMMISSIONERS AFTER RECOMMENDATION BY DEVELOPMENTAL IMPACT COMMITTEE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 041186] (SEE AGENDA ITEM NO. 2X)

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY AND AUTHORIZING THE COUNTY TO CONSIDER AND APPROVE OR DENY APPLICATIONS FOR PUBLIC CHARTER SCHOOLS [SEE AGENDA ITEM NOS. 2W AND 2W SUBSTITUTE]

Department of Planning & Zoning

I. SUMMARY

This Ordinance and Interlocal Agreement between Miami-Dade County (hereinafter referred to as "County") and the Miami-Dade County School Board (hereinafter referred to as "School Board") will result in a delegation from the School Board to the County the land use authority to approve *public* charter school sites through the zoning hearing process.

II. PRESENT SITUATION

Currently, the School Board has the authority to select locations for all public schools within Miami-Dade County. Florida Statute 1013.33 mandates that Boards and Local Governments coordinate efforts as it relates to the location of schools. Further, Florida Statute 1013.33(10) requires that school site locations are consistent with the Comprehensive Development Master Plan (CDMP).

III. POLICY CHANGE AND IMPLICATION

This Ordinance and Interlocal Agreement between the County and the School Board will delegate to the County the land use authority to approve *public* charter school sites through the zoning hearing process. The School Board, however, would continue to approve curriculum and the charter for *public* charter schools.

The Interlocal Agreement, *which adopts the language of 2(W) substitute*, includes the specific duties of each party to the agreement. The responsibilities of both the School Board and the County include the following:

- **School Board will be responsible** for the maintenance, review and approval of charter school contracts. Charter school applications must be approved before the County will set a hearing on the matter.
- **County will be responsible** for the approval of use and determining the site plans compatibility with the Comprehensive Development Master Plan, and subsequently issuing final development orders pursuant to a positive recommendation from the Developmental Impact Committee. *These final development orders, which are in the sole discretion of the County, are required for a charter school to operate.*

Among the changes provided for in *2(W) substitute* are changes to Section 33-161 as follows:

2(W) provides that so long as the existing charter school facilities comply with regulations in place at the time said charter school was created, they may not be subject to the hearing requirements of this ordinance.

2(W) substitute expands this section by stating that “any expansion or modification of the previous approval for any charter school lawfully established prior to the effective date of this article ...shall only be approved after public hearing in accordance with this article.”

III. ECONOMIC IMPACT

None.

IV. COMMENTS AND QUESTIONS

None.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1(E) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT COMMISSIONERS MAY SOLICIT GIFTS ON BEHALF OF NONPROFIT ORGANIZATIONS; PROVIDING FOR DISCLOSURE OF GIFTS HAVING A VALUE IN EXCESS OF \$100.00; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Commissioner Jose "Pepe" Diaz

I. SUMMARY

This ordinance, if approved, will expand the exceptions provided for under Section 2-11.1 Conflict of Interest and Code of Ethics Ordinance as it relates to gifts. The amendment to the ordinance will allow gifts solicited by commissioners on behalf of any nonprofit organization for use solely by that organization to be considered an exception to the gift prohibition. This exception is allowable so long as no form of compensation is received. Additionally, this Ordinance increases the gift amount, which Commissioners must disclose from \$25.00 to \$100.00.

II. PRESENT SITUATION

Currently, there are six (6) specific exceptions to the prohibition on gifts. The exceptions, as they exist currently, allow Commissioners to solicit gifts on behalf of the County in the performance of their official duties, however, there is no provision for soliciting gifts for non-profit organizations.

III. POLICY CHANGE AND IMPLICATION

This policy will allow commissioners to solicit gifts on behalf of *any* nonprofit organization categorized as a 501(C)(3) that is also tax exempt under 501(a) of the Internal Revenue Code. Such contributions must be for the sole use of the nonprofit organization, and neither the Commissioner nor his or her staff may be compensated for such solicitation. *Additionally*, this will allow Commissioners to accept gifts that do not exceed \$100.00 without making a financial disclosure.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

Will municipalities be subject to these new gift disclosure rules?

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE RELATING TO ZONING; PROVIDING FOR MODIFICATION OF LOT COVERAGE CONTAINED IN SECTION 33-328 OF THE CODE OF MIAMI-DADE COUNTY; AMENDING SECTION 33-328 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Commissioner Jose "Pepe" Diaz

I. SUMMARY

This ordinance would automatically increase the maximum lot coverage in areas zoned EU-1, or single-family one acre estate district, from 15% to 20% for a one-story structure.

II. PRESENT SITUATION

Currently, the maximum lot coverage for a one-story residential structure allowed in a Single Family one acre estate district (EU-1 districts) is 15% of net lot area or 6,534 square feet. Should one wish to exceed the allowable limits they must seek a variance or administrative adjustment (*see comments below*).

III. POLICY CHANGE AND IMPLICATION

This ordinance would automatically increase the allowable lot coverage of a one-story structure from 15% of the net lot area to 20% or approximately 8712 square feet. Should one wish to exceed the allowable limits, they must still seek a variance or administrative adjustment. (*see comments below*).

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

According to staff, the available remedies should a resident desire an increase to the allowable lot size are as follows:

- 1) *Variance*, which requires a public hearing; and
- 2) *Administrative Adjustment*, which is limited to an increase of no more than 10% of the amount allowed by code, is a remedy available and requires all of the neighbors to sign.

Staff was not able to respond to the questions below prior to printing, making it difficult to ascertain the overall impact of this ordinance (*continued on next page*):

GOE ITEM 3(B)

May 18, 2004

- 1) How many applications in EU-1 districts are on *hold or pending* related to increased lot coverage in the past three years?
- 2) How many applications in EU-1 districts have been *denied* related to an increase in lot coverage in the past three years?

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE AMENDING SECTIONS 2-10.4 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, MODIFYING THE CODE PERTAINING TO THE ACQUISITION OF PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL OR LAND SURVEYING AND MAPPING SERVICES AND THE GROUPING OF PROJECTS AND PROVIDING SEVERABILITY, INCLUSION IN CODE AND EFFECTIVE DATE

County Manager

I. SUMMARY

This resolution seeks to amend Section 2-10.4 of the Code of Miami-Dade County, Florida. Amending the code will remove the existing County self imposed dollar limitations for project grouping. Moreover, this would guarantee the County flexibility to respond to infrastructure projects effecting large geographic areas.

II. PRESENT SITUATION

On May 11, 2004, the Board of County Commissioners (BCC) deferred 9 (K) (1) (A) which sought to execute two (2) non-exclusive Professional Service Agreements (PSA) with Cherokee Enterprises, Inc. and Peer Consultants, P.C. for groundwater, surface water, and soil contamination cleanup services at various non-specific sites.

On January 23, 2003, the Board of County Commissioners (BCC) approved the rejection of current proposals and the re-advertisement of a replacement contract for two PSAs with at contract capacity of \$5 million per agreement for a total of up to \$10 million.

III. POLICY CHANGE AND IMPLICATIONS

Upon successful negotiations with the two listed firms above, the County manager's office realized that County Code Sec. 2-10.4 (1) (e) 2 prohibits the County from awarding Architectural & Engineering service agreement at an amount greater than \$500,000.

Similarly, 2-10.4 (e) of the Code of Miami-Dade County states that construction, rehabilitation or renovation activities shall not exceed \$5,000,000.

GOE ITEM 4 (A)
MAY 18, 2004

Amending the ordinance would allow the County Manager discretion if project grouping provides a more efficient and expeditious method of completing infrastructure projects

This allows the County Manager the ability to increase award amounts up to the original \$5 million, if the County Code is amended to allow for a larger dollar amount for these types of projects.

On January 23, 2003, the Board of County Commissioners (BCC) approved the re-advertisement of a replacement contract for two PSAs with a contract capacity of \$5 million per agreement for total of up to \$10 million.

IV. ECONOMIC IMPACT

If the Code is amended, these awards could be increased up to \$5 million each for a total of \$10 million.

V. COMMENTS AND QUESTIONS

The County should be more diligent in realizing the parameters of a proposed contract before negotiating with a prospective firm. The possibility exists that firms submitted proposals and dollar amounts based on unit prices related to a larger scope of work and may not be able to realize these tasks for the amount agreed to if the scope of work is decreased.